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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,717	03/13/2001	Thierry Cheng	1200.452	7378

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EXAMINER

SONG, HOON K

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,717

Applicant(s)

CHENG ET AL.

Examiner

Hoon K Song

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Asakura et al. (US 6307198).

Regarding claim 1, Asakura teaches a device for detecting a parameter representative of a state associated with a glazing of a motor vehicle including a module

(1) consisting (figure 17):

means (51 and 52) for emitting at least one electromagnetic beam (figure 17) towards one face of the glazing;

means (61 and 62) for receiving at least a part of the beam returned by the said face; and

at least one insert (34 or 35) at least partly implanted into a thickness of the glazing (figure 17), provided with a surface (figure 17) substantially opposite said face (11, 12), said surface formed of a material that substantially reflects the beam (figure 17), in such a way that the beam, from emission to reception, undergoes a plurality of

reflections in the thickness of the glazing, between the surface of the insert (34 and 35) and the face (11, 12) of the glazing, wherein said beam flows a path from said means for emitting to said one face of the glazing without passing through said insert (figure 17).

Regarding claim 2, Asakura teaches that the emitting means include at least one emitting source (51 and 52) applied against one of the faces (11 and 12) of the glazing (figure 17).

Regarding claim 3, Asakura teaches that the emitting means include at least one emitting source implanted into the thickness of the glazing (column 5 line 23+).

Regarding claim 4, Asakura teaches that the receiving means include at least one sensor (61 and 62) for detecting the said beam part returned, and applied against one of the faces (12) of the glazing (figure 17).

Regarding claim 5, Asakura teaches that the receiving means include at least one sensor for detecting the said beam part reflected, and implanted into the thickness of the glazing (column 5 line 23+).

Regarding claim 6, Asakura teaches that the emitting means (51, 52) are configured to emit a first electromagnetic beam (figure 17) intended to be at least partly returned by a front face (12) of the glazing, as well as a second beam (figure 17) intended to be at least partly returned by a rear face (11) of the glazing, with a view to detecting foreign substances on the front and/or rear faces of the glazing (10).

Regarding claim 7, Asakura teaches that the module (1) includes at least one insert (34, 35) in the thickness (13) of the glazing, equipped with a first reflecting surface

(figure 17) opposite the front face (12), and with a second reflecting surface (figure 17) opposite the rear face (11), while the receiving means (61, 62) are configured to receive at least parts of the first (51) and second (52) beams, which are reflected respectively by the front (12) and rear (11) faces.

Regarding claim 8, Asakura teaches that the emitting means include first and second sources (51, 52) suitable for emitting the said first and second beams (figure 17) respectively, while the receiving means include a sensor (61, 62) for detecting the reflected parts of the first and second beams; and in that the first and second sources, as well as the said sensor, are applied against the same face of the glazing (figure 17).

Regarding claim 9, Asakura teaches that the module (1) includes a luminous-flux sensor, especially a solar-flux sensor (28), inserted into the thickness (13) of the glazing.

Regarding claim 10, Asakura teaches that the said glazing comprising a spacer of chosen thickness, the said module is at least partly implanted into the thickness of the said spacer (figure 3).

Regarding claim 11, Asakura teaches that it includes, in its thickness, an insert (134, 35) of a detection device.

Regarding claim 12, Asakura teaches a device (figure 17), comprising:

At least two means (51 and 52) for emitting at least two electromagnetic beam towards one face of the glazing;

Mean for receiving (61 and 62) at least a part of the beam returned by said face;
and

At least one insert (34 and 35) at least partly implanted into a thickness e of the glazing, provided with a surface substantially opposite said face, said surface formed of a material that substantially reflects the beam, in such a way that the beam, from emission to reception, undergoes a plurality of reflections in the thickness of the glazing, between the surface of the insert and the face of the glazing, wherein said beam follows a path from said means for emitting to said one face of the glazing without passing through said insert (figure 17).

Regarding claim 13, Asakura teaches a device (figure 17), comprising:

Means for emitting (52) at least one electromagnetic beam toward one face of the glazing (12), wherein said means for emitting is disposed within said glazing (column 5 and line 23+);

Means for receiving (62) at least a part of the beam returned by said face; and

At least one insert (35) at least partly implanted into a thickness e of the glazing, provided with a surface substantially opposite said face, said surface formed of a material that substantially reflects the beam, in such a way that the beam, from emission to reception, undergoes a plurality of reflections in the thickness of the glazing, between the surface of the insert and the face of the glazing, wherein said beam follows a path from said means for emitting to said one face of the glazing without passing through said insert (figure 17).

Response to Arguments

Applicant's arguments filed on July 25, 2002 have been fully considered but they are not persuasive.

In response to applicant's argument that Asakura et al. discloses a light emitting diode emitting a beam which passes through an insert. The examiner respectfully disagrees with that interpretation because as previously indicated, the insert (27) does not penetrate the beam. The reflecting portion (27) is separated from the entrance (50) and exit (60) as shown by figure 3 thus, the reflecting portion itself (27) does not penetrate the beam. Furthermore Asakura even teaches the inventor's insert by separating the insert with light entrance and exit shown in figures 17, 20 and 21. Thus Asakura clearly teaches that the first diode (51) that emits a light beam intended to be reflected by the front face of the glazing (figure 17). The insert reflects the beam between the surface of the window-screen and that of the insert (figure 17). The beam travels from the emitting source to be glazing face without first penetrating through the insert (figure 17).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon K Song whose telephone number is 703-308-2736. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 703-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4858 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Hoon K. Song
August 21, 2002


ROBERT H. KIM
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